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10 Attorneys for Plaintiff,
ECOJET, INC.

11
12 UNITED STATES DISTRICT COURT
13 CENTRAL DISTRICT OF CALIFORNIA
14 SOUTHERN DIVISION

15 ECOJET, INC.,

16 Plaintiff,

17 v.

18 LURACO, INC,

19 Defendant.
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Case No.: 16-CV-00487-AG-KES

Hon. Judge Andrew J. Guilford

**NOTICE OF TERMINATION OF *EX*
PORTE REEXAMINATION**

Trial: Nov. 2-3, 2017

1 TO THE COURT, THE PARTIES AND THEIR ATTORNEYS OF RECORD:

2 Plaintiff Ecojet, Inc. (“Ecojet”) hereby notifies the Court that the United States
 3 Patent and Trademark Office has provided notice that it intends to close the *ex parte*
 4 reexamination proceeding instituted upon a petition by Luraco Inc.’s (“Luraco”)
 5 without any modification to the claims of the Patent-in-Suit, U.S. Patent No.
 6 RE45844. A copy of the Notice of Intent to Issue *Ex Parte* Reexamination Certificate
 7 is attached hereto as Exhibit A. In relevant part, the examiner noted: “Patent Owner’s
 8 remarks of February 20, 2018 are persuasive. It is agreed that the proposed
 9 combination of Booth and Chen is lacking.”

10 Ecojet provides this Notice of Termination in light of Defendant Luraco’s
 11 Notice Regarding Reexamination Rejection, Dkt. No. 163, and in further opposition to
 12 the request for judicial notice set forth therein. *See also* Objection to Luraco’s Notice
 13 Regarding Reexamination Rejection and Request for Judicial Notice, Dkt. No. 164.

14
 15 Respectfully submitted,

16 Dated: April 19, 2018

17 FOX ROTHSCHILD

18 By: /s/ Jeff Grant

19 John Shaeffer

20 Jeff Grant

21 Attorney for Plaintiff Ecojet, Inc.

EXHIBIT A



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/013,804	09/20/2016	RE45844	115.18 Reexam	7920

22145 7590 04/11/2018
 KLEIN, O'NEILL & SINGH, LLP
 16755 VON KARMAN AVENUE
 SUITE 275
 IRVINE, CA 92606

RECEIVED

By Klein, O'Neill & Singh, LLP at 9:50 am, Apr 12, 2018

EXAMINER

DOERRLER, WILLIAM CHARLES

ART UNIT	PAPER NUMBER
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3993

MAIL DATE	DELIVERY MODE
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04/11/2018

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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(THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS)

Hoang Steve Ngo
P.O. Box 26123
Arlington, VA 22215

***EX PARTE* REEXAMINATION COMMUNICATION TRANSMITTAL FORM**

REEXAMINATION CONTROL NO. 90/013,804.

PATENT NO. RE45844 ET AL..

ART UNIT 3993.

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above identified *ex parte* reexamination proceeding (37 CFR 1.550(f)).

Where this copy is supplied after the reply by requester, 37 CFR 1.535, or the time for filing a reply has passed, no submission on behalf of the *ex parte* reexamination requester will be acknowledged or considered (37 CFR 1.550(g)).

/William C Doerrler/
Primary Examiner
Art Unit: 3993

Notice of Intent to Issue Ex Parte Reexamination Certificate	Control No.	Patent Under Reexamination	
	90/013,804	RE45844 ET AL.	
	Examiner	Art Unit	AIA (First Inventor to File) Status
	WILLIAM DOERRLER	3993	No

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

1. ☒ Prosecution on the merits is (or remains) closed in this *ex parte* reexamination proceeding. This proceeding is subject to reopening at the initiative of the Office or upon petition. Cf. 37 CFR 1.313(a). A Certificate will be issued in view of
 - (a) ☒ Patent owner's communication(s) filed: 20 February 2018.
 - (b) ☐ Patent owner's failure to file an appropriate timely response to the Office action mailed: _____.
 - (c) ☐ Patent owner's failure to timely file an Appeal Brief (37 CFR 41.31).
 - (d) ☐ The decision on appeal by the ☐ Board of Patent Appeals and Interferences ☐ Court dated _____
 - (e) ☐ Other: _____.
2. The Reexamination Certificate will indicate the following:
 - (a) Change in the Specification: ☐ Yes ☒ No
 - (b) Change in the Drawing(s): ☐ Yes ☒ No
 - (c) Status of the Claim(s):
 - (1) Patent claim(s) confirmed: 4-33.
 - (2) Patent claim(s) amended (including dependent on amended claim(s)): _____
 - (3) Patent claim(s) canceled: _____.
 - (4) Newly presented claim(s) patentable: 34.
 - (5) Newly presented canceled claims: _____.
 - (6) Patent claim(s) ☐ previously ☐ currently disclaimed: _____
 - (7) Patent claim(s) not subject to reexamination: _____.
3. ☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.
4. ☒ Note the attached statement of reasons for patentability and/or confirmation. Any comments considered necessary by patent owner regarding reasons for patentability and/or confirmation must be submitted promptly to avoid processing delays. Such submission(s) should be labeled: "Comments On Statement of Reasons for Patentability and/or Confirmation."
5. ☐ Note attached NOTICE OF REFERENCES CITED (PTO-892).
6. ☐ Note attached LIST OF REFERENCES CITED (PTO/SB/08 or PTO/SB/08 substitute).
7. ☐ The drawing correction request filed on _____ is: ☐ approved ☐ disapproved.
8. ☐ Acknowledgment is made of the priority claim under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the certified copies have
 - ☐ been received.
 - ☐ not been received.
 - ☐ been filed in Application No. _____.
 - ☐ been filed in reexamination Control No. _____.
 - ☐ been received by the International Bureau in PCT Application No. _____.

* Certified copies not received: _____.
9. ☐ Note attached Examiner's Amendment.
10. ☐ Note attached Interview Summary (PTO-474).
11. ☐ Other: _____.

All correspondence relating to this reexamination proceeding should be directed to the **Central Reexamination Unit** at the mail, FAX, or hand-carry addresses given at the end of this Office action.

Conferees: /JLG/ and /GAS/	/William C Doerrler/ Primary Examiner Art Unit: 3993
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cc: Requester (if third party requester)

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Notice of Pre-AIA or AIA Status

The present application is being examined under the pre-AIA first to invent provisions.

STATEMENT OF REASONS FOR PATENTABILITY AND/OR CONFIRMATION

The following is an examiner's statement of reasons for patentability and/or confirmation of the claims found patentable in this reexamination proceeding: Patent Owner's remarks of February 20, 2018 are persuasive. It is agreed that the proposed combination of Booth and Chen is lacking. Neither reference provides a teaching of the nozzle being formed on the outer surface of the cap, the outlet opening being aligned with the housing inner surface at or adjacent the outer edge (claim 4 or the outlet opening aligned with the second portion of the housing inner surface of claim 20) or the housing inner surface having an inclined portion that the water flows over before passing through the outlet opening and nozzle to be projected into the basin. These changes are not seen as matters of design choice as they all modify the functioning of the pump. It is further agreed that the modifying of Booth to provide an outlet flow along the outer rim, rather than the axial outlet changes the functioning of the pump and makes it unable to accomplish its intended purpose, as the pump would no longer provide a fast-moving, highly pressurized jet, as the pump is shown with widespread and numerous radial openings. Redesigning the pump to function in a reverse order represents invention as the inlets, outlets housing inner wall and impeller would need to be redesigned.

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Any comments considered necessary by PATENT OWNER regarding the above statement must be submitted promptly to avoid processing delays. Such submission by the patent owner should be labeled: "Comments on Statement of Reasons for Patentability and/or Confirmation" and will be placed in the reexamination file.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to WILLIAM DOERRLER whose telephone number is (571)272-4807. The examiner can normally be reached on Monday-Friday 6-30- 4:30.

Examiner interviews are available via telephone, in-person, and video conferencing using a USPTO supplied web-based collaboration tool. To schedule an interview, applicant is encouraged to use the USPTO Automated Interview Request (AIR) at <http://www.uspto.gov/interviewpractice>.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on (571) 272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

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USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/William C Doerrler/
Primary Examiner
Art Unit 3993

Conferees: /JLG/ and /GAS/